



# LAWS AND REGULATIONS

## PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

### PHILIPPINES

Communicated by the Government of the Philippines

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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BOARD REGULATION No. 2, S. 1990, 11 January 1990

AMENDMENT OF BOARD REGULATION NO. 3, S. 1979 REQUIRING ALL OFFICERS  
OF THE CRIMINAL JUSTICE SYSTEM INVOLVED IN DRUG PREVENTION AND  
CONTROL TO REPORT ALL DRUG SEIZURES/CONFISCATIONS AND  
MONITOR DRUG-RELATED CASES

Whereas, the Senate Ad Hoc Committee on Illegal Drugs denounced that narcotics Enforcement Officers are not reporting their drug seizures or are submitting inaccurate quantities of drugs seized or confiscated by them;

Whereas, the Committee denounced that these drugs are sold or recycled to the illicit market;

Whereas, Section 20 of R.A. 6425, as amended, 1/ provides in part that:

"Any apprehending or arresting officer who misappropriates or misapplies or fails to account for seized or confiscated dangerous drugs or plant-sources of dangerous drugs or proceeds or instruments of the crime as herein defined shall after conviction be sentenced to imprisonment ranging from eight years and one day to twelve years and a fine ranging from ten thousand to twenty thousand pesos in addition to absolute perpetual disqualification." (As amended by B.P. Blg. 179 dated 2 March 1982)

NOW, THEREFORE, the Dangerous Drugs Board, pursuant to its powers under Section 36(a) of R.A. 6425, as amended, hereby prescribes the following:

SECTION 1. The Chief, Philippine Constabulary/Director-General, Integrated National Police, including the Director, National Bureau of Investigation, and Heads of other law enforcement agencies, shall see to it that all their narcotics operatives shall submit to the Board accurate reports, with photographs on drug seizures and confiscations, including instruments, apparatuses and articles.

SECTION 2. The accuracy of the seizure reports shall be attested to and verified as true and correct by the most ranking official of the agency before submitting same to the Board.

SECTION 3. The Department of Justice shall monitor drug-related cases filed from prosecution to the courts together with the final dispositions, whether the case resulted in conviction, acquittal or dismissal, and shall periodically submit these to the Board.

SECTION 4. The Board or the Executive Director or the Chief Legal Officer, or Chief, Control, Regulation and Intelligence Division, or their duly authorized representatives shall conduct spot check of drugs in the custody of the Philippine Constabulary Crime Laboratory and the National Bureau of Investigation.

SECTION 5. The Philippine Constabulary Crime Laboratory and the National Bureau of Investigation shall submit to the Board a quarterly inventory report of drugs in their legal custody, subject to further verification by authorized officers of the Board.

SECTION 6. The orders be issued immediately by the above-mentioned agencies to strictly implement this resolution, furnishing the Board a copy thereof.

SECTION 7. The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizure, the nature and quantity thereof, and who has present custody of the same, and (b) submit to the Board a copy of the after-mission investigation report within fifteen (15) days from completion of the investigation.

SECTION 8. It shall be the duty of the government laboratory undertaking the qualitative and quantitative analysis of the seized drugs and paraphernalia to furnish the Dangerous Drugs Board a copy of its laboratory analysis report on a monthly basis. The seized or confiscated drugs and/or paraphernalia shall remain in the custody of the evidence custodian of the apprehending unit or the laboratory conducting the examination where the same is submitted, for purposes of preserving chain of custody. After the final termination of the case, either by the law enforcement unit on the ground that no case has been filed, no witnesses are available, no arrest is made or there is no sufficient evidence to warrant prosecution; or by the fiscal or the court, which may result either in a conviction, acquittal or dismissal, the seized drugs or paraphernalia shall be turned over to the

Dangerous Drugs Custodian (NBI) for appropriate disposition in accordance with existing regulations of the Board.

SECTION 9. All Board regulations inconsistent with these provisions are hereby repealed or amended accordingly.

SECTION 10. This Regulation shall take effect after the completion of its publication in the Official Gazette and in a newspaper of general circulation once a week for two (2) consecutive weeks, whichever is earlier.

TOMAS P. MARAMBA, JR., M.D., M.H.A.  
Vice-Chairman  
Undersecretary of Health for  
Standards and Regulation

[Signed]

E/NL.1991/32

BOARD REGULATION NO. 4, S. 1990, 15 February 1990

#### ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF BOARD REGULATIONS

Pursuant to the powers vested in the Dangerous Drugs Board under Section 36(a) of Republic Act No. 6425, as amended 1/ and to ensure strict compliance with its regulations, the following sanctions are hereby prescribed:

(a) Closure:

- a.1 Closure of the establishment - For illegal importation, distribution, manufacture, production, compounding, dispensing and sale of, and other unlawful acts in connection with, dangerous drugs and exempt dangerous drug preparations.
- a.2 Closure of the centre - For operating a treatment and rehabilitation facility without any permit from the Board.

(b) Suspension or revocation of applicable S-license for:

- b.1 Failure to record sales, purchases, acquisitions and deliveries of dangerous drugs and exempt dangerous drug preparations (Board Regulation No. 2, S. 1973) 2/
- b.2 Failure to comply with Board Regulation No. 8, S. 1973 (Amendment to Section 5 of Board Regulation No. 2, S. 1973 to provide for prescription requirements for Surital and Sodium Pentothal) 3/
- b.3 Loss of Prescription Forms for Dangerous Drugs (DDB Form No. 1-72) through negligence (Board Regulation No. 10, S. 1973) 4/
- b.4 Failure to comply with Board Regulation No. 11, S. 1973 (Filling of Prescriptions for Dangerous Drugs) 5/

(c) Warning or Reprimand - For failure to comply with Board Regulations not covered by paragraphs (a) and (b) of this Regulation.

The imposition of any of the above sanctions shall carry with it a recommendation that the license to practice of the person involved in the violation be revoked, without prejudice to the institution of appropriate criminal proceedings should the circumstances so warrant.

This Regulation shall take effect after the completion of its publication in the Official Gazette and in a newspaper of general circulation once a week for two (2) consecutive weeks, whichever is earlier.

TOMAS P. MARAMBA, JR., M.D., M.H.A.  
Vice-Chairman  
Undersecretary of Health for  
Standards and Regulation

[Signed]

E/NL.1991/33

BOARD REGULATION No. 6, S. 1990, 15 February 1990

AMENDMENT OF BOARD REGULATION NO. 5, S. 1972 BY INCLUDING N-HYDROXY MDA,  
N-ETHYL MDA AND 4-METHYLAMINOEX; THEIR SALTS, ISOMERS, AND SALTS  
OF ISOMERS; AND COMPOUNDS, MIXTURES, AND PREPARATIONS CONTAINING  
SUCH SUBSTANCES IN THE LIST OF PROHIBITED DRUGS,  
SUBJECT TO CERTAIN CONDITIONS

SECTION 1. Pursuant to its powers under Section 36(a) of Republic Act No. 6425, as amended, 1/ the Dangerous Drugs Board, having found after evaluation that the following substances: 6/ N-hydroxy MDA, N-ethyl MDA, 4-methylaminorex have the capacity to produce dependence and are likely to be so abused as to constitute a public health and social problem, which finding is in agreement with the opinion of the World Health Organization that such substances should be included in Schedule I of the 1971 Convention on Psychotropic Substances, pursuant to Article II, paragraphs 1 and 4 of said Convention, hereby classifies the said substances as Dangerous Drugs and further categorizes as Prohibited Drugs, as well as their salts, isomers (whether optical, position, or geometric) which (a) exist within the specific chemical designations by whatever official name, common name or usual name, chemical name or brand name and (b) have the same or similar psychologic and/or physiologic effects as the parent drugs mentioned above.

SECTION 2. All compounds, mixtures, or preparations containing these substances and their salts, isomers, and salts of isomers qualified in Section 1 hereof are classified as Dangerous Drugs and further categorized as Prohibited Drugs.

SECTION 3. In view of this classification, these Dangerous Drugs shall be subject to all control measures in Article II, "Prohibited Drugs" and Article IV, "Provisions of Common Application to Offences Penalized under Articles II and III", of Republic Act 6425, as amended, and pertinent Regulations issued by the Dangerous Drugs Board.

SECTION 4. Any violation hereof shall be a ground for the institution of criminal proceedings in the proper court.

SECTION 5. This Regulation supplements Board Regulation No. 5, S. 1972 7/ and shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation once a week for two (2) consecutive weeks.

TOMAS P. MARAMBA, JR., M.D., M.H.A.  
Vice-Chairman  
Undersecretary of Health for  
Standards and Regulation

[Signed]

E/NL.1991/34

BOARD REGULATION No. 7, S. 1990, 19 April 1990

SUPPLEMENTING BOARD REGULATION NO. 5, S. 1972 BY INCLUDING ALPHA-  
METHYLTHIOFENTANYL, PARA-FLUOROFENTANYL, BETA-HYDROXYFENTANYL,  
BETA-HYDROXY-3-METHYLTHIOFENTANYL, THIOFENTANYL AND 3-METHYL-  
THIOFENTANYL; THEIR SALTS, ISOMERS AND SALTS OF ISOMERS;  
AND COMPOUNDS, MIXTURES, AND PREPARATIONS CONTAINING  
SUCH SUBSTANCES IN THE LIST OF PROHIBITED DRUGS  
SUBJECT TO CERTAIN CONDITIONS

SECTION 1. Pursuant to its powers under Section 36(a) of Republic Act No. 6425, as amended, 1/ the Dangerous Drugs Board, having found after evaluation that the following substances: 6/ Alpha-methylthiofentanyl, Para-fluorofentanyl, Beta-hydroxyfentanyl, Beta-hydroxy-3-methylthiofentanyl, Thiofentanyl, 3-methylthiofentanyl, so-called "designer drugs", have the capacity to produce dependence and are likely to be so abused as to constitute a public health and social problem, which finding is in agreement with the recommendation of the Director-General of the World Health Organization to the Secretary-General of the United Nations organization, that said substances be included in Schedules I and IV of the 1961 Convention on Narcotic Drugs, pursuant to Article 3, paragraph 1, of the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, hereby classifies as Dangerous Drugs and further categorized as Prohibited

Drugs, the above substances, as well as their salts, isomers (whether optical, position, or geometric) which (a) exist within the specific chemical designations by whatever official name, common name or usual name, chemical name or brand name and (b) have the same or similar psychologic and/or physiologic effects as the parent drugs mentioned above.

SECTION 2. All compounds, mixtures, or preparations containing these substances and their salts, isomers, and salts of isomers qualified in Section 1 hereof are classified as Dangerous Drugs and further categorized as Prohibited Drugs.

SECTION 3. The production, manufacture, export and import, trade, prescribing, dispensing, possession or use of any of the above drugs for whatever purpose, including medical, scientific research and clinical trials therewith are hereby prohibited.

SECTION 4. Any violation hereof shall be a ground for the institution of criminal proceedings in the proper court.

SECTION 5. This Regulation supplements Board Regulation No. 5, S. 1972 7/ and shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation once a week for two (2) consecutive weeks.

TOMAS P. MARAMBA, JR., M.D., M.H.A.  
Vice-Chairman  
Undersecretary of Health for  
Standards and Regulation

[Signed]

Notes by the Secretariat

1/ E/NL.1982/43.

2/ E/NL.1976/58.

3/ E/NL.1976/64.

4/ E/NL.1976/66.

5/ E/NL.1976/67.

6/ Chemical names were given in the text for the substances listed. These names were identical to those which appear in the international drug control treaties and are accordingly not reproduced.

7/ E/NL.1976/54.



## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

GHANA

Communicated by the Government of Ghana

#### NOTE BY THE SECRETARIAT

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#### NARCOTIC DRUGS (CONTROL) BOARD INSTRUMENT, 1990

L.I. 1507.

IN exercise of the powers conferred on the Secretary responsible for the Interior by subsection (3) of section 55 of the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236) this Instrument is made this 17th day of October, 1990.

1. The Narcotic Control Board established under section 55 of the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236) shall have the following functions—

Functions of  
the Board.

- (a) collect, collate and disseminate for use by the Government information on narcotic drugs and psychotropic substances;
- (b) receive and refer for investigation any complaint of alleged or suspected prohibited drug activity or narcotic drug abuse;
- (c) examine in consultation with appropriate bodies the practices and procedures for the importation of, and dealing in, narcotic drugs or psychotropic substances by any person or authority;
- (d) liaise with foreign and international agencies on matters relating to narcotic drugs and psychotropic substances;
- (e) advise Government on suitable methods for reducing drug abuse and on provision of treatment and rehabilitation facilities for persons addicted to narcotic drugs;

\* Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

1/ Note by the Secretariat: E/NL.1991/2.

- (f) disseminate information to educate the public on—
  - (i) the evils of the use of narcotic drugs;
  - (ii) the effect of drug abuse generally;
  - (iii) punishment for offences under the Law particularly relating to seizure of property acquired from narcotic drug dealing;
- (g) enlist and foster public support against prohibited activities relating to narcotic drugs; and
- (h) perform such other functions as the Secretary shall assign to it.

2. (1) The Board shall consist of such officers as may be appointed by the Council.

Members of  
the Board.

(2) The Chairman of the Board shall be appointed from among the members.

(3) A member of the Board other than the Chairman shall hold office for three years but shall continue to hold office after the expiration of his term until he is re-appointed or another person is appointed in his place.

(4) Where the office of a member of the Board becomes vacant, the Secretary shall recommend another person to be appointed by the Council to fill the vacancy.

(5) Every member of the Board shall upon the expiration of his term of office be eligible for reappointment.

(6) If any member of the Board is absent from Ghana or is unable by reason of illness or other sufficient cause to perform the duties of his office, the Council may, on the recommendation of the Secretary, appoint another person in his place to perform those duties or until the expiration of the term of office of that member, whichever first occurs.

(7) Members of the Board shall hold office on such terms and conditions, including the payment of such allowances or remuneration, as the Council may, on the recommendation of the Secretary determine.

Meeting of  
the Board.

3. (1) The Board shall meet at such times and places as the Chairman may determine, but shall meet at least once in every two months.

(2) The Chairman shall, on the written request of either the Secretary or of not less than four members of the Board, convene a meeting of the Board.

(3) At every meeting of the Board at which he is present, the Chairman shall preside, and in his absence, a member of the Board appointed by those present from among themselves shall preside.

(4) All decisions of the Board shall be taken at meetings of the Board and the vote of a majority of the members present shall be the decision of the Board.

(5) The Board may co-opt any person to act as adviser at any of its meeting, however no person so co-opted shall have the right to vote on any matter for decision before the Board.

(6) A majority of members present at a meeting shall form a quorum.

(7) The minutes of all meetings of the Board shall be kept by the Executive Secretary of the Board and shall be signed by the Chairman and retained in custody of the Executive Secretary.

(8) The validity of any proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of any member thereof.

(9) Subject to the provisions of this paragraph the Board shall regulate its own procedure.

4. (1) The Board may appoint such committees as it may deem necessary for the purpose of advising it on such matters relating to the functions of the Board as may be referred to them by the Board. Committees of the Board.

(2) A committee appointed by the Board may consist of members or non-members or both except that every such committee shall have as its Chairman a member of the Board.

5. (1) The Secretary shall assign to the Board the services of such officers as the Board may require. Officers of the Board.

(2) The Board shall have an Executive Secretary who shall be appointed by the Council on such terms and conditions as the Council may determine.

(3) The Executive Secretary shall act as Secretary to the Board and shall be responsible for the day-to-day implementation of the functions of the Board.

6. A public officer authorised by the Board shall have and may exercise the powers of a police officer to investigate, enter, seize, arrest and detain any person or property under the Law. Authorised public officers.

7. The Board may issue to an officer an identity card which shall be *prima facie* evidence of the officer's appointment as an officer of the Board. Identity card.

8. Any person who falsely pretends that—

- (a) he is an officer of the Board or has any of the powers of such officer under the Law or under any authorisation or warrant issued under the Law; or
  - (b) he is able to procure an officer of the Board to do or refrain from doing anything in connection with the duties of such officer,
- Impersonation and procurement of Board's officers.

is guilty of an offence and liable on conviction to a fine not exceeding £500,000 or to imprisonment for a period not exceeding one year or to both.

9. (1) The Board shall, on or before the 31st December of each year, or by such later date as the Secretary may specify, submit to the Secretary a report of its activities during the previous year. Annual report.

(2) The Secretary shall on receipt of the report submit it together with his comments thereon to the Council.

10. In this Instrument unless the context otherwise requires — Interpretation.  
"functions" include powers and duties;

"Council" means the Provisional National Defence Council;

"Secretary" means the P.N.D.C. Secretary responsible for the Interior;

"the Law" means the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236).

NJI OKAJA ADAMAFIO

*Ag. P.N.D.C. Secretary for the Interior*

Date of *Gazette* notification: 7th December, 1990.